

g) receiving wireless RF information, under control of said microprocessor system.

50. A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said formatting data step includes adapting to networking functions with other computer-display handset units.

51. A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said formatting data step is adapted to communication with said local base unit that is connected to the Internet via wire or cable.

52. A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said formatting data step is adapted to communication with said local base unit that performs the functions of a personal computer or notebook computer.

53. A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said computer-display handset unit is adapted to an earset unit.

REMARKS

II. Examiner has withdrawn Claims 44-48 as being directed to a non-elected invention. Applicant herein has amended Claims 14 and 40. Examiner is asked to review new Claims 49-53 in light of the previous restriction and applicants arguments herein. New Claim 49 is submitted in light of the restriction and in response to Examiner and Applicant's telecom on 10/09/01. Claims 50-53 are renumbered and amended from withdrawn Claims 45-48. Claims 14 and 49 are independent claims; and Claims 23, 24, 31, 40-43, & 45-48 are dependent claims.

Election/Restriction

Examiner indicated that Claims 44-48 are directed to an invention that is independent or distinct for the invention originally claimed for the following reasons. Claim 14 and originally presented claims involved the technique of a computer display handset, which has the capability to simultaneously run a plurality of communication modes. However, Claim 44 and its dependant claims involve a specific technique for controlling wireless communication by formatting data to wireless communication protocols necessary for short distance with a local base unit.

Applicant disagrees with the requirement for restriction and requests reconsideration and withdraw of the requirement. Claims 14 and 44 are not distinct from each other for the following reasons. The preamble of each claim is almost exactly the same word-for-word: "a method of controlling . . . a computer-display handset unit." Claim 14, step (a) teaches "executing micro computer control program for control of said computer-display handset unit." Claim 44, step (a) teaches "controlling said computer-display unit via a microprocessor system, using control program . . .". Step (a) of each claim is very similar and not distinct. Also, Claim 14, step (a) includes language of "wherein said computer-display handset unit is adapted to wireless communication with a local communications base unit." This claim language compares to Claim 44, step (b) that teaches "wireless communication protocols and signals . . . for short distance wireless networking with a local base unit." Again, this shows that the two claims are not distinct, and claim subject matter in the elements are dependant in each other.

Applicant has merely drafted two independent claims (only two in this application) in slightly different ways to protect his invention from infringers who may implement a method with only slight differences to avoid applicant's invention. Applicant has studied 37 CFR § 1.41, 1.142 and 1.143, and most respectfully requests the restriction be withdrawn. Applicant herein makes a provisional election of Claims 14, 23, 24, 31, 40, 41-43. Nevertheless,

Applicant has drafted new Claims 49-53, which should be reviewed in light of Examiner's restriction.

35 USC § 103(a) Rejection
Siitonen IVO Stein

Examiner has rejected Claims 14, 23-24, 31, and 40-43 under 35 USC § 103 (a) as being unpatentable over Siitonen in view of Stein. In order to establish a Prima Facie Case of Obviousness [MPEP 2143], three basic criteria must be met.

“First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach all the claim limitations.” [emphasis added]

There is no suggestion to combine the teachings of Siitonen and Stein, but even they were combined, the combination will not teach all the limitations of Claim 14 or Claim 49. Three limitations of Claim 14 that are not taught or suggested in either Siitonen or Stein follows:

1. Claim 14 states: “wireless communication to local communications base unit” [Step (a), line 5]. In contrast, Stein suggests away by stating “allows communication radio base stations operating in different geographic areas as well as parts of different networks” [Col. 2, ln 1]. This suggests non-local wide area communications. As for Siitonen, he suggests away by teaching “to initiate voice telephone calls sending or receiving telefaxes, or connecting to remote computer . . . compatible with existing wireless networks for communicating with the outside world (15) . . .” [Col. 4, lines 42-46]. This also suggests non-local wide area communications.
2. Claim 14 states: “said modes includes wireless voice, wireless data, and conventional computing” [Step (b), line 2]. Although Stein teaches the first two

modes or functions, Stein fails to suggest the third one: "conventional computing" in his handset units (309) or (300) in Fig 14. As for Siitonen, they teach and suggest only communication applications, as evidence by "This contact information is used by telephone (10b) in the telefax, and E-mail applications." [Col. 5, ln 2] and "a voice recognition function can be used" [Col. 5, ln 45]. This suggests away from conventional computing, since all those included are special communication applications. In contrast, Applicant teaches "conventional computing" as evidence in Applicant's Fig. 8A and text teaching Personal Productivity Programs (86), and Internet Programs (90).

3. Claim 14 states: "run these modes roughly simultaneously" [Step (b), ln 4]. As to Stein, he teaches away from simultaneous operation. See Fig. 14, module unit (31) must be inserted into pen computer (313), then removed and placed into (309) unit or (300) unit. Thus it is impossible for the modes to run simultaneously. As for Siitonen, only two modes are taught: PDA and telephone; conventional computing mode is not suggested. As evidence of this, see Siitonen's Fig. 2A and 2B. It would be impossible operate the PDA key pad and talk on the telephone at the same time, because Siitonen cover when closed for phone operation, cover the key pad. There is not a reasonable expectation of success in modifying Siitonen and Stein to obtain applicant's Claim 14.

As to Claim 14's dependant claims, each have further limitations, in addition their independent claim, which further defines them over the prior art. Claims 14, 23-24, 31 appear to be non-obvious under the meaning of 35 USC § 103 (a). Applicant respectfully requests Claims 14, 23-24, and 31 be placed into allowance.

Although Examiner withdrew Claims 44-48 for restriction reasons, Applicant has requested this restriction be reconsidered. Applicant has rewritten Claim 44-48 and herein submitted new Claims 49-55 in light of the restriction, and after consulting with Examiner. As

such applicant herein provisionally provides reasons why Claim 49 – 55 are not obvious under 35 USC § 103 (a) in view of Siitonen and Stein.

1. Claim 49 states: “formatting data . . . for relatively short distance wireless networking with a local base unit” [Claim 49, step (b), ln 2]. As for Stein, he teaches Amps, GSM, Mobitex, PCS, etc. communication methods (local and global) [Col. 1, ln 60]. However, he does not teach local networking or a local base unit. Stein suggests away be teaching base station operating in different geographic areas. [Col. 2, ln 1]. As for Siitonen, they teach PSTN or data transmission capabilities to connect with remote computers [Col. 2, ln 26-28].
2. Claim 49 states: “information can be relayed via cellular RF to external wide area network” [Claim 44, step (b), ln 4]. As for Stein, he teaches RF radiation not directed to a notebook, but away at random directions, but more important, there is no suggestions in the text of the specification or claims of RF link locally. Applicant’s relay function is not suggested in Stein. HE Teaches only toward direct wide area networking, without relaying functions. As for Siitonen, they teach toward a simple telephone connection to outside world [Fig. 1 elements 10a and 15]. Thus, both suggest away from a relay function to and from a local base unit.

Claims 49-53 appear to be patentable under the meaning of 35 USC § 103 (a) in view of Siitonen and Stein. Applicant requests Claims **49-53** be placed into allowance.

Version of Claims Showing` Changes Made

14. (Amended) A method of controlling a computer-display handset unit operated by a user comprising the steps of:

- a) executing micro computer control program for control of computer-display handset unit, wherein said control program accepts user inputs and generates processing outputs, and wherein said computer-display handset unit is adapted to wireless communication with ~~a local~~ communications base unit located at typical local area network (LAN) distance;
- b) selecting ~~a plurality of~~ computing and communication modes in coordination with said executing micro computer control program step, wherein said modes includes wireless voice, wireless data and conventional computing functions, and wherein said user has options to run these modes roughly simultaneously and said selecting step is manual or automatic;
- c) controlling said ~~plurality of~~ computer and communications modes under control of said control program, such that multiple functions of said hand held computer-display unit appear roughly simultaneous in operation; and
- e) executing a plurality of programs under control of said control program and controlling step, wherein said plurality of program functions may include such functions as internet browser functions, e-mail functions, voice communications, voice mail, personal productivity functions and telephony functions.

23. (Unchanged) A method of controlling a computer-display handset unit as recited in Claim 14, in which said computer-display handset unit is primarily a personal digital assistant device.

24. (Unchanged) A method of controlling a computer-display handset unit as recited in Claim 14, in which said computer-display handset unit is primarily a cellular phone unit.

31. (Unchanged) A method of controlling a computer-display handset unit as, recited in Claim 14, in which said controlling of plurality of computer and communications modes step is adapted to communications among multiple computer-display handset units or earset units.

40. (Amended) A method of controlling a computer-display handset unit as, recited in Claim 14, in which said ~~local~~ communications base unit is primarily a portable notebook-like computer system with external communications- capability.

41. (Unchanged) A method of controlling a computer-display handset unit as, recited in Claim 14, in which said computer-display handset unit is adapted to access the Internet.

42. (Unchanged) A method of controlling a computer-display handset unit as, recited in Claim 14, in which said computer-display handset unit is adapted to hands free speaker phone operation, wherein the user can look at a display screen while speaking toward a microphone at a distance.

43. (Unchanged) A method of controlling a computer-display handset unit as, recited in Claim 14, in which said computer-display handset unit is adapted to record and playback audio or video content such as music or movies.

49. (New) A method of controlling wireless communication functions of a computer-display handset unit comprising the steps of:

- a) controlling said computer-display handset unit via a microprocessor system, using control program and data stored in memory and other typical microprocessor system components, located in said computer-display handset unit;
- b) formatting data to wireless communication protocols and signals, under control of said microprocessor system, necessary for relatively short distance wireless networking with a local base unit or local area networking operation, wherein information can be relayed via cellular RF communication to an external wide area network;
- c) selecting a plurality of operating modes under control with said microprocessor system;
- d) controlling said operational modes via said microprocessor system;
- e) executing a plurality of programs under control of said microprocessor system;

- f) transmitting wireless RF information, under control of said microprocessor system; ~~to said local base unit or a cellular network; and~~
- g) receiving wireless RF information, under control of said microprocessor system; ~~from said local base unit or a cellular network.~~

50. (New) A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said formatting data step includes adapting to networking functions with other computer-display handset units.

51. (New) A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said formatting data step is adapted to communication with said local base unit that is connected to the Internet via wire or cable.

52. (New) A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said formatting data step is adapted to communication with said local base unit that performs the functions of a personal computer or notebook computer.

53. (New) A method of controlling wireless communication functions of a computer-display handset unit, as recited in Claim 49, in which said computer-display handset unit is adapted to an earset unit.

III. All claims appear to be patentable under the meaning of 35 U.S.C. 112, 102(e) and 103(a). **No new matter has been added.** New submitted Claims if made do not change the scope of the claimed subject matter. Amendments to and new claims were not made due to any patentability reasons, but more definitely claim matter or to claim matter not previously

considered. Applicant most respectfully requests Claims 14, 23, 24, 31, 40-43, 49-53 be placed into allowance.

Sincerely,



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